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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,574	01/21/2004	Nien-Hua Pai	17657.47a	3462
22913	7590	12/24/2008		
Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			EXAMINER SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
			12/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,574

Applicant(s)

PAI, NIEN-HUA

Examiner

HOUSHANG SAFAIPOUR

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7-17 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,12-14,21 and 23 is/are rejected.
- 7) ☒ Claim(s) 8-11,15-17,22,24 and 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/09/2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakaguchi (US 2003/0164992).

Regarding claim 1, Sakaguchi discloses an exposure control device for adjusting light amount received by a focusing device and a photoelectric conversion device of an image scanning apparatus, comprising (figs. 1-3):

a control unit asserting a control signal according to a certain condition of said image scanning apparatus (fig. 6); and

a light-transmission adjusting device [0067] arranged in the light path to said focusing device and said photoelectric conversion device and changing an effective light-transmission

area thereof in response to said control signal to adjust light amount passing there through (figs. 2-3 paragraphs [0064-0067]).

a driving unit controlled by said control unit to generate a driving force in response to said control signal (fig. 6, microprocessor 46 and motor driver 48);

a first optical grid plate (51) arranged in the light path, the first optical grid plate having a first light-transmission area (fig. 4c, paragraph [0082]); and

a second optical grid plate (52) having a second light-transmission area smaller than the first light-transmission area and selectively driven by said driving force to be aligned with the first optical grid plate so as to reduce said effective light transmission area (fig. 4D, paragraph [0084]).

Regarding claim 3, Sakaguchi discloses the exposure control device according to claim 1 wherein said driving unit comprises a motor and said optical grid plate (52) is moved by rotation (fig. 6 [0084]).

Regarding claim 5, Sakaguchi discloses the exposure control device according to claim 1 wherein said driving unit comprises a motor (64) coupled with said second optical grid plate (52) for slanting said second optical grid plate to further change said effective light-transmission area according to another condition of said image scanning apparatus [0084].

Regarding claim 7, Sakaguchi discloses the exposure control device according to claim 1 wherein said certain condition of said image scanning apparatus is a selected resolution of said image scanning apparatus [0127].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-14, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi (US 2003/0164992), and further in view of Applicant's Admitted Prior Art (AAPA).

Regarding claims 12 and 21, Sakaguchi discloses an exposure control device for adjusting light amount received by a focusing device and a photoelectric conversion device of an image scanning apparatus, comprising:

a control unit asserting a control signal according to a certain condition of said image scanning apparatus (fig. 6);

a driving unit controlled by said control unit to generate a driving force in response to said control signal (motor 62 [0090]); and

an optical grid plate (51) having an aperture (star portion), wherein rotation of the optical grid plate by said driving force (62) changes an effective light-transmission area of the aperture by rotating the optical grid plate about an axis parallel to a direction of elongation of the aperture [0082].

Sakaguchi does not explicitly disclose the shape of the aperture (star portion in fig. 4C). However, AAPA discloses an aperture "shaped as a dumbbell". "that is, both side portions are larger than the middle portion in area." (specification paragraph [0003]). Therefore it would have

been obvious to a person of ordinary skill in the art to use such aperture in the apparatus of Sakaguchi for adjusting the light amount passing thru the aperture.

Regarding claim 13, Sakaguchi discloses the exposure control device according to claim 12 wherein said driving unit comprises a motor and said optical grid plate is moved by rotation [0082].

Regarding claim 14, Sakaguchi discloses the exposure control device according to claim 12 wherein said certain condition of said image scanning apparatus is a selected resolution of said image scanning apparatus [0127].

Regarding claim 23, Sakaguchi discloses the exposure control device of claim 21, wherein the control unit is configured to assert the control signal in response to a selected resolution of the scanning apparatus [0076].

Allowable Subject Matter

6. Claims 8-11, 15-17, 22, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOUSHANG SAFAIPOUR whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Houshang Safaipour/
Primary Examiner, Art Unit 2625